

### **AMENDMENTS TO THE DRAWINGS**

The attached three sheets of drawings include changes to Fig. 1, Fig. 2, and Fig. 3. These sheets, which each include only one Figure, replaces the original sheets including only Fig. 1, Fig. 2, and Fig. 3, respectively. Fig. 1 has been labelled as “prior art”. In Fig. 2, the label “L” has been included to conform to the specification. In Fig. 3, the step labels have been included to conform to the specification.

Attachment:            Three Replacement Sheets  
                             Three Annotated Sheets Showing Changes

## **REMARKS**

### **Claim status**

Claims 1-42 were pending in the case at the time of the current Office Action. Claims 1, 5, and 11-15 are currently amended herein. Claims 16-26 and 33-42 are cancelled herein. Claims 1-15 and 27-32 are currently pending in the application.

### **Drawings**

In the current Office action, the drawings are objected to under 37 CFR 1.83(a) and for failing to comply with 37 CFR 1.121(d).

Applicants respectfully traverse the foregoing objections in view of the above amended drawings, claims, and specification, and for reasons set forth hereafter.

Figure 1 has been labelled as prior art. The "L" label has been added to Figure 2. The labelled steps 1-5 have been added to Fig. 3. Three replacement sheets and three annotated sheet are provided herewith. No new matter has been added.

Applicants respectfully request that the amended Figures be entered and that the objections be withdrawn.

### **Specification rejections**

In the current Office action, the Examiner is objecting to the specification because of informalities and antecedent basis problems.

Applicants respectfully traverse the foregoing objections in view of the above amended specification, drawings, claims, and for reasons set forth hereafter.

Paragraphs [0002] and [0020] have been amended herein in accordance with the Examiner's suggestions. Also, paragraph [0019] has been amended herein simply to clarify that the prior art of Figure 1 can be modified by combining the elements of Figure 1 with the elements of Figure 2. No new matter has been added.

Applicants respectfully request that the specification amendments be entered and that the objections be withdrawn.

#### **Claim objections**

In the current Office action, the Examiner is objecting to claims 1, 5, 11-15, 16-22 and 23 for informalities.

Applicants respectfully traverse the foregoing rejections in view of the above pending claims and for reasons set forth hereafter.

Claims 1, 5, 11-15, 16-22 and 23 have been amended or cancelled herein to correct the informalities.

Applicants respectfully request that the claim amendments be entered and that the claim objections be withdrawn.

#### **Section 112 rejections**

In the current Office action, claims 16-22, 23-26, and 33-42 are rejected under 35 U.S.C. 112 first paragraph or second paragraph.

Applicants respectfully traverse the foregoing rejections in view of the above pending claims and for reasons set forth hereafter.

Claims 16-22, 23-26, and 33-42 have been cancelled herein.

Applicants respectfully request that the claim rejections under 35 U.S.C. 112 first and second paragraphs be withdrawn.

#### **Section 102 rejections**

In the current Office action, claims 1-22 and 27-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Starkweather (U.S. Patent 5,836,971), hereinafter, Starkweather.

Applicants respectfully traverse the foregoing rejections in view of the above pending claims and for reasons set forth hereafter.

Claims 16-22 are cancelled herein.

Independent claim 1 recites an arrangement for treatment of rhythm disturbances, especially tachycardia and fibrillation, of a heart, comprising:

a heart rhythm detector for detecting the heart rhythm and determining when a fibrillation threshold limit is exceeded, wherein said fibrillation threshold limit corresponds to a first predetermined heart rate value; and

a therapy device, connected to the heart rhythm detector, to begin to treat a fibrillation episode when the fibrillation threshold limit is exceeded;

wherein the heart rhythm detecting device determines whether a redetection threshold limit, corresponding to a second predetermined heart rate value, is still exceeded immediately after the therapy device has treated the fibrillation episode, the redetection threshold limit being lower than the fibrillation threshold limit and higher than a tachycardia threshold limit which corresponds to a third predetermined heart rate value, and

wherein the therapy device continues to treat the same fibrillation episode as long as the heart rhythm detector determines that the redetection threshold limit is exceeded.

It is respectfully submitted that Starkweather does not teach or suggest the invention of independent claim 1. In particular, Starkweather does not teach or suggest a heart rhythm detecting device determining whether a redetection threshold limit, corresponding to a second predetermined heart rate value, is still exceeded immediately after the therapy device has treated the fibrillation episode, the redetection threshold limit being lower than the fibrillation threshold limit and higher than a tachycardia threshold limit which corresponds to a third predetermined heart rate value.

Instead, column 9, line 15 to column 10, line 35 and figures 3 to 4D of Starkweather clearly show that the device disclosed by Starkweather will, for example, lower the fibrillation detection threshold after unsuccessful delivery of an antitachycardia therapy. That means, according to Starkweather, that lowering of a fibrillation detection threshold is not performed in response to a prior unsuccessful defibrillation, but instead in response to an unsuccessfully treated tachycardia. The device of Starkweather, for example, detects a tachycardia which is related to a low enough a heart rate that is not in the V-F-zone. The device, according to

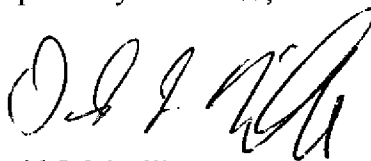
Starkweather, there upon triggers an anti-tachycardia therapy and lowers the fibrillation threshold by “pushing up” the V-T-high-rate-zone into the V-F-rate-zone.

In contrast thereto, the fibrillation detection threshold, according to the claimed invention of claim 1, is lowered to the fibrillation redetection threshold in response to detecting a fibrillation (and not a tachycardia as disclosed in Starkweather). Since in neither Starkweather nor in the other prior art is the Applicant aware of disclosure of lowering a fibrillation detection threshold to a (lower) fibrillation redetection threshold in response to detecting and treating a fibrillation, it is respectfully submitted that the claimed invention of claim 1 is not anticipated.

Therefore, in view of at least the foregoing, it is respectfully submitted that independent claim 1 is not anticipated by Starkweather, and it is respectfully submitted that independent claim 1 defines allowable subject matter. Also, since claims 2-15 and 27-32 depend either directly or indirectly from claim 1, it is respectfully submitted that claims 2-15 and 27-32 define allowable subject matter as well. Applicants respectfully request that the rejection of claims 1-22 and 27-32 under 35 U.S.C. 102(b) be removed.

Accordingly, the applicant respectfully requests reconsideration of the rejections and objections based on at least the foregoing. After such reconsideration, it is urged that allowance of all pending claims will be in order.

Respectfully submitted,



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